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February 14, 2020

**BY ECF**

Honorable Stewart D. Aaron  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Darwin Columna v. Gomez et al.  
19 CV 03801 (MKV) (SDA)

Your Honor:

I am Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York assigned to represent defendants the City of New York, Police Officers Genner Gomez and Pedro Romero, Sergeant Josue Perez and Detective Pedro Roche in the above-referenced matter. Defendants write to respectfully request Your Honor's guidance concerning the entry of a protective order in this case.

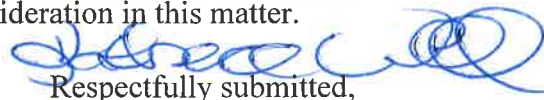
Last week, Your Honor denied defendants' request to enter a protective order in this case, in part because the submission was not filed jointly, and ordered that a revised order be filed by February 14, 2020. As outlined in my letter of February 6, 2020, my efforts to contact Mr. Columna to have him sign the proposed order prior to my filing it were fruitless. Since then, I have contacted plaintiff and/or the pro bono counsel who have been engaged to assist him with depositions on six separate occasions, by both phone and email, and have sent both counsel and plaintiff a revised proposed protective order. I spoke briefly to Mr. Columna on February 10, 2020, and tried to impress upon him the importance of the protective order; he said he would check with "his lawyers" and has not since contacted me to let me know whether he will sign it or not.<sup>1</sup>

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<sup>1</sup> Plaintiff's pro bono counsel has been engaged only to assist him with depositions. They do not represent him for discovery in general. Because they represent him for only a limited purpose, and because he has not responded to their attempts to reach him to discuss the proposed order with him, they have told me they are not in a position to sign it on his behalf.

In my various email and phone messages, I have explained to plaintiff that I cannot produce certain documents to him unless a protective order is entered. Nevertheless, he has been silent as to whether or not he will sign one, and indeed has communicated with me only once since January 6 despite my multiple attempts to get in touch with him. Defendants do have a significant number of confidential documents to produce to plaintiff. Given today's deadline for filing a revised proposed order, I seek the Court's guidance as to how to proceed.

Defendants thank the Court for its time and consideration in this matter.

  
Respectfully submitted,

Katherine J. Weall  
Senior Counsel  
Special Federal Litigation Division

cc: Darwin Columna (Via email and U.S. Mail)  
*Plaintiff pro se*  
2276 Sedgwick Avenue, Apt. #2  
New York, New York 10468

-and-

Mark J. Abate (Via ECF)  
Jacqueline Genovese Bova (Via ECF)  
James Breen (Via ECF)  
Goodwin Procter LLP

ENDORSEMENT: The parties are directed to appear for a Telephone Conference to discuss the status of the proposed protective order on Monday, February 24, 2020 at 4:00 p.m. The parties shall call the Court's conference line at 212-805-0110 once all parties are on the line. The Clerk of Court is directed to mail a copy of this Order to the *pro se* Plaintiff.  
SO ORDERED.

Dated: February 18, 2020

